

TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1291  
 CANNABIS REGULATION AND TAX ACT

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AUTHORITY: Implementing and authorized by the Cannabis Regulation and Tax Act [410 ILCS 705]

SOURCE: Adopted by emergency rulemaking at 43 Ill. Reg. 14934, effective December 9, 2019, for a maximum of 180 days; emergency rule expired June 5, 2020; adopted at 44 Ill. Reg. 14103, effective August 24, 2020; emergency amendment at 45 Ill. Reg. 9586, effective July 15, 2021, for a maximum of 150 days; Subpart B of the emergency amendment suspended by the Joint Committee on Administrative Rules at 45 Ill. Reg. 10881, effective August 18, 2021; suspension withdrawn at 45 Ill. Reg. 12206, effective September 16, 2021; emergency amendment to emergency rule at 45 Ill. Reg. 11851, effective September 16, 2021, for the remainder of the 150 days; emergency amendment at 45 Ill. Reg. 13442, effective October 12, 2021, for a maximum of 150 days; amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1291.220 Relocation of an Early Approval Adult Use Dispensing Organization License at a Same Site

a) Early Approval Adult Use Dispensing Organizations ("Same-site Licensee") whose licenses were issued pursuant to Section 15-15 of the Act may submit an application on forms provided by the Department to relocate their dispensary. Same-site Licensees who apply to relocate their dispensaries to a new location pursuant to this Part may be approved, subject to all other statutory and administrative requirements, if:

1) the proposed location is within the same geographic district, as those geographic districts are defined in 68 IAC 1290.20, as the Same-site Licensee's existing associated medical cannabis dispensing organization registration issued under the Compassionate Use of Medical Cannabis Program Act is authorized to operate; and

- 2) the Same-site Licensee's existing location is within the boundaries of a unit of local government that prohibits the retail sales of adult use cannabis; or
  - 3) the Same-site Licensee has obtained a signed statement from a city manager, village president, mayor, corporate counsel, or other official from the unit of local government where it is located approving the Same-site Licensee to relocate to another location within that unit of local government. If the unit of local government is a county, it must obtain signed statements from the county executive, county president, corporate counsel, or other official from the county board where it is located approving the Same-Site Licensee to relocate to another location within that county.
  - 4) The Same-site Licensee shall submit the fee required for the relocation of its existing associated medical registration. This shall be the only fee required for the Same-site Licensee to relocate.
- b) The Department shall approve or deny an application to relocate under paragraph (a) of this Part within thirty (30) days of receiving a completed application.
  - c) If the Department does not approve or deny an application to relocate under paragraph (a) of this Part within thirty (30) days of receiving a completed application, the application shall be deemed to be approved.
  - d) If the Department denies an application to relocate pursuant to paragraph (a) of this Part, it shall do so in writing and provide a specific reason for the denial.
  - e) An application to relocate shall be deemed complete upon submission of all documents required by the application form provided by the Department.
  - f) If, upon reviewing the application, the Department discovers any documentation required by the Department's application to relocate are missing, the Department may request the missing documentation. In this case, the application is not complete until the missing documentation is submitted.
  - g) After receiving the Department's approval to relocate under paragraph (a) of this Part, the Same-site Licensee shall submit floorplans of the new location for the Department's approval in a form or manner prescribed by the Department. The Department shall approve or deny the floorplans within ten (10) business days of the Department's receipt of the floorplans.

85        h)        Prior to the commencement of operations at a new location that was approved by  
86                    the Department under paragraph (a) of this Part, the Same-site Licensee must also  
87                    pass a building and site inspection conducted by the Department. The Same-site  
88                    Licensee shall request a building and site inspection of the new site on forms  
89                    provided by the Department. The Department shall schedule a building and site  
90                    inspection within ten (10) business days upon receiving the Same-site Licensee's  
91                    request for a building and site inspection.

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93        (Source: Added at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)